

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 05-697 (SLR)
v.	)	
	)	
	)	
BE&K ENGINEERING COMPANY,	)	
(SUBSIDIARY OF BE&K, INC.)	)	
	)	
Defendants.	)	

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ORDER

At Wilmington this 12 day of Jan., 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have agreed to exchange on or before January 12, 2006 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects:

- Whether Defendant terminated Juan Obed Perez on the basis of his age in violation of the Age Discrimination in Employment Act?
- Whether Mr. Perez is entitled to any back pay damages or other damages?
- Whether Mr. Perez has met his burden to mitigate any alleged damages?

(b) All discovery shall be commenced in time to be completed by May 31, 2006.

(c) Maximum of 50 interrogatories by each party to any other party.

(d) No limitation of requests for admission by each party to any other party.

(e) Maximum of 10 depositions by plaintiff and 10 by defendant.

(f) Each deposition is limited to a maximum of 7 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by March 31, 2006. Rebuttal expert reports due by May 1, 2006.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two** (2) Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

**3. Joinder of other Parties, Amendment of Pleadings, and Class Certification.**

All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before January 31, 2006.

**4. Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to

Magistrate Judge Thyne for the purposes of exploring ADR.

**5. Summary Judgment Motions.** All summary judgment motions shall be served

and filed with an opening brief on or before July 31, 2006. Briefing shall be pursuant to D. Del.

LR 7.1.2. No summary judgment motion may be filed more than ten (10) days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.

7. **Motions in Limine.** All motions in limine shall be filed on or before <sup>1/10/07</sup> ~~two weeks~~ before ~~pretrial conference~~. All responses to said motions shall be filed on or before ~~one~~ <sup>1/17/07</sup> week before ~~pretrial conference~~.

8. **Pretrial Conference.** A pretrial conference will be held on <sup>1/24/07</sup> ~~1/24/07~~ at 4:30 p.m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a [day/week] bench/jury trial commencing on 2/5/07 in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a number of hours in which to present their respective cases.

  
United States District Judge